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DIRECT DIAL NO.: 412-263-1841
FILE NO.: JOY-65077
E-MAIL: PGC@PBandG.com

August 23, 2006

VIA FACSIMILE TRANSMISSION
(724) 282-2672

Alexander H. Lindsay, Jr., Esquire
The Lindsay Law Firm
128 South Main Street
Butler, PA 16001

RE: Valerie W. Wakefield v. Joy Mining Machinery Company
Civil Division No.: 290-2005
Western District Docket No.: 05-79 Erie

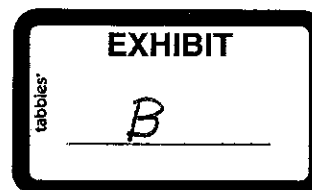
Dear Mr. Lindsay:

Thank you for your letter in response to my voicemail messages left for you on August 23, 2006 relative to the scheduling of the depositions in this case.

I will be out of town on Thursday, August 24 and Friday, August 25, 2006. Keeping our respective schedules and the discovery deadline in mind, I propose the following schedule:

August 30, 2006
August 30, 2006
September 1, 2006
September 5, 2006
September 6, 2006
September 7, 2006
September 8, 2006

Deposition of Harold Wakefield
Begin deposition of Valerie Wakefield
Complete deposition of Valerie Wakefield
Depositions of defendant's employees
Depositions of defendant's employees
Depositions of defendant's employees
Depositions of defendant's employees



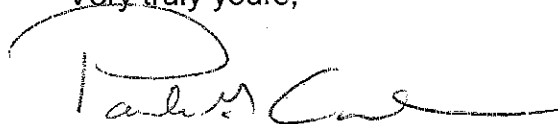
All of the employees whose depositions you have noticed are generally available on the dates noted above. There are three exceptions. First, as I have previously advised you, Mr. Maritz is in Australia and will be out of the country beyond the discovery deadline. Joy will agree to make him available outside the discovery period upon his return to the country. Additionally, Mr. Mead leaves for a prescheduled, prepaid vacation on September 5, 2006. We will be happy to make him available on August 30 or September 1. His deposition will simply have to be taken contemporaneously with other depositions taken that day.

Finally, Tom O'Neil is scheduled to be out of town beginning September 7, 2006. Accordingly, you may wish to schedule his deposition in the earlier days.

As indicated, Joy will secure a room at the Franklin Club in Franklin, Pennsylvania for all the depositions - including those of Mr. and Mrs. Wakefield.

Please call my office with your thoughts regarding this proposed schedule. Given the fact that I will be out of the office, please leave me a voicemail message containing your thoughts. I will be retrieving my messages on a regular basis and will get back to you with regard to the confirmation of this schedule or changes that you wish to make.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Pamela G. Cochenour', with a large, stylized initial 'P'.

Pamela G. Cochenour

PGC/dln

*** TX REPORT ***

TRANSMISSION OK

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FACSIMILE TRANSMISSION COVER PAGE

DATE: August 23, 2006

RECIPIENT: Alexander H. Lindsey, Jr., Esquire

COMPANY: The Lindsay Law Firm, P.C.

RECIPIENT'S FAX NO.: (724) 282-2672

FROM: Pamela G. Cochenour, Esquire

FILE NUMBER: JOY-65077

NUMBER OF PAGES, INCLUDING COVER PAGE: 3

MESSAGE:

(412) 263-1841
DIRECT DIAL NUMBER

☐ Original will follow via U.S. Mail

☒ Original will NOT follow.

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